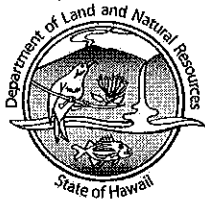


LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 29, 2007

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, HI 96813

Land Board Members:

**SUBJECT: REQUEST FOR APPROVAL TO ENTER INTO A REBURIAL AGREEMENT
WITH PMK DEVELOPMENT, LLC FOR THE HUMAN SKELETAL
REMAINS REINTERRED ON THEIR PROPERTY AT NU'UANU
AHUPUA'A, KONA DISTRICT, ISLAND OF O'AHU AT [TMK (1) 2-1-009:
11, 13, 18 AND 2-1-010: 001, 004]**

Submitted for your consideration is a request to enter into a reburial agreement with PMK Development, LLC to implement the conditions agreed upon by the landowner and accepted by the State Historic Preservation Division.

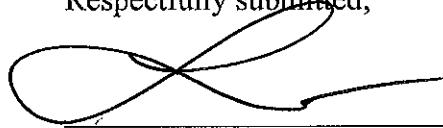
Section 6E-43, and 6E-43.6, Hawaii Revised Statutes, require the State to regulate the proper treatment of human skeletal remains over fifty years old, at any site other than a known, maintained, actively used cemetery. In order to provide perpetual protection for the newly established burial site for the skeletal remains, its location will be recorded in the Bureau of Conveyances together with the attached Reburial Agreement. This Reburial Agreement establishes a permanent preservation zone, access rights for lineal and cultural descendants and states that the burial will not be willfully disturbed by the landowner, its successors and assigns.

The office of the Attorney General has conducted a review of the Reburial Agreement and all suggested amendments were incorporated into the attached agreement.

RECOMMENDATION

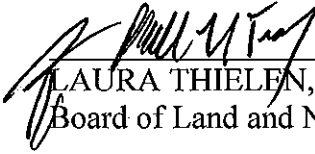
That the Board authorize Chairperson Thielen to execute the attached Reburial Agreement with PMK Development, LLC.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Linda Kaleo Paik', written over a horizontal line.

Linda Kaleo Paik, Cultural Specialist
Historic Preservation Division

APPROVED FOR SUBMITTAL:

A handwritten signature in black ink, appearing to be 'Laura Thielen', written over a horizontal line.

LAURA THIELEN, Chairperson
Board of Land and Natural Resources

[illegible]

REGULAR SYSTEM

Return by Mail () Pickup () To: _____

REBURIAL AGREEMENT

This Reburial Agreement dated November 20, 2007, by and between PMK DEVELOPMENT, LLC, whose address is 1288 Ala Moana Boulevard, Suite 201, Honolulu, Hawai'i 96814 ("Landowner") and the STATE OF HAWAII ("State") by its Board of Land and Natural Resources whose address is Kalanimoku Building, 1151 Punchbowl Street, Honolulu, Hawai'i 96813.

WITNESSETH

WHEREAS, the Landowner owns real property at Nu‘uanu/Honolulu Ahupua‘a, District of Kona, Island of Oahu, identified by Oahu Tax Map Key No. [TMK: (1) 2-1-009:011,013 & 018; 2-1-010: 001 & 004] in which property an unmarked burial site containing skeletal remains of one (1) individual was identified; and further described in “Exhibit A”;

WHEREAS, the State, pursuant to Section 6E-43 and 6E-43.6, Hawai'i Revised Statutes, is responsible for regulating the proper treatment of human skeletal remains over fifty years old, at any site other than a known, maintained, actively used cemetery; and

WHEREAS, the parties desire to enter into this Agreement to rebury the human skeletal remains of an individual and 5 other individuals found during construction from adjacent Alakea Street.

NOW THEREFORE, in consideration of the above and the terms and conditions contained herein, the parties agree as follows:

1. The Landowner agrees to allow the skeletal remains of the ancestral Native Hawaiians to be reburied on the Landowner's property located at [TMK: (1) 2-1-009:011,013 & 018; 2-1-010: 001 & 004] in perpetuity.

2. The Landowner, upon recommendation from the Department of Land and Natural Resources agrees to establish a permanent two (2) meter buffer zone completely surrounding the reburial site.

3. The Landowner, upon recommendation from the Department of Land and Natural Resources, agrees to landscape with appropriate Native Hawaiian plants and maintain the area of the reburial site.

4. The Landowner agrees to construct a small vault approximately four (4) foot rectangular, placed 1 meter below the surface, open on the bottom and top.

5. The Landowner agrees to treat the exact location of reburial sites as confidential information as provided for by section 6E-43.5, Hawai'i Revised Statutes. The Landowner agrees to identify the location of the reburial sites on a map and provide such information to the Department of Land and Natural Resources, Division of Historic Preservation.

6. The Landowner agrees to provide any recognized descendants wishing to visit the reburial sites with a right of access at reasonable times and upon reasonable advance notice, subject to the rules and policies of the Landowner.

7. The Landowner, on behalf of itself and its successors and assigns, covenant and agree not to willfully disturb in any manner, or allow the disturbance of in any manner, the repose of the human skeletal remains reburied at its property at [TMK: (1) 2-1-009:011,013 & 018; 2-1-010: 001 & 004].

8. In the event the Landowner learns that the human skeletal remains, or any part thereof, are unearthed by natural causes or otherwise, the Landowner agrees to immediately notify the Department of Land and Natural Resources. The Landowner agrees not to handle the human skeletal remains in any manner. The Department of Land and Natural Resources, shall take proper action to secure the remains in place.

IN WITNESS WHEREOF, the STATE OF HAWAII, by its Board of Land and Natural Resources, has caused the Seal of the Department of Land and Natural Resources to be hereunto affixed and the parties hereto have caused this Agreement to be executed as of the day, month, and year first above written.

STATE OF HAWAII

By _____
Chairperson, Board of Land and Natural Resources

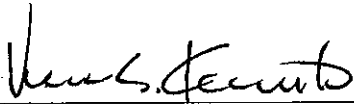
By _____
Member, Board of Land and Natural Resources

LANDOWNER

PMK Development, LLC
1001 Bishop Street, Suite 1570
Honolulu, HI 96813

By _____
(Representative)

APPROVED AS TO FORM:



Deputy Attorney General

Dated: 12/4/07

STATE OF HAWAI'I

)

) SS.

COUNTY OF

)

On this ____ day of _____, 20____, before me personally appeared _____ to me known to be the person described in and who executed the foregoing instrument and acknowledged that _____ executed the same as _____ free act and deed.

Notary Public, State of Hawai'i

My commission expires: _____

EXHIBIT A**Legal Description****-FIRST:-**

All of those certain parcels of land situate at Honolulu, City and County of Honolulu, State of Hawaii, described as follows:

LOTS: 3-B, area 238 square feet, more or less, as shown on Map 5,
and
3-D-1, area 386 square feet, more or less, as shown on
Map 6,

filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 827 of Apau Kong;

Being the premises described in Transfer Certificate of Title No. 80 3080 issued to PMK DEVELOPMENT LLC, a Hawaii limited liability company.

-SECOND:-

All of that certain parcel of land situate at Honolulu, City and County of Honolulu, State of Hawaii, described as follows:

LOT 2, area 2,118.0 square feet, more or less, as shown on Map 2, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 363 of Annie Harris Holt;

Being the premises described in Transfer Certificate of Title No. 80 3080 issued to PMK DEVELOPMENT LLC, a Hawaii limited liability company.

-THIRD:-

All of that certain parcel of land situate at Honolulu, City and County of Honolulu, State of Hawaii, described as follows:

LOT 3, area 1,941.0 square feet, more or less, as shown on Map 2, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 1409 (amended) of Consolidated Amusement Company, Limited, and Joseph Paiko, Jr.;

Being the premises described in Transfer Certificate of Title No. 80 3080 issued to PMK DEVELOPMENT LLC, a Hawaii limited liability company.

-FOURTH:-

All of that certain parcel of land situate at Honolulu, City and County of Honolulu, State of Hawaii, containing an area of 4,585.0 square feet, more or less, as shown on

Map 1, filed in the Office of the Assistant Registrar of the Land Court of the State of Hawaii with Land Court Application No. 780 (amended) of Harold Harvey;

Being the premises described in Transfer Certificate of Title No. 80 3080 issued to PMK DEVELOPMENT LLC, a Hawaii limited liability company.

-FIFTH:-

All of that certain parcel of land (being the whole of Royal Patent Number 218, Land Commission Award Number 1669, Apana 2 to Mokalina; Royal Patent Number 216, Land Commission Award Number 1691, Apana 3 to Naili; and portions of Royal Patent Number 135, Land Commission Award Number 1559, Apana 1 to Kiheipua; Royal Patent Number 7799, Land Commission Award 9971, Apana 26 to W. P. Leleiohoku; Royal Patent Number 135, Land Commission Award Number 1559, Apana 3 to Kiheipua; Royal Patent Number 1125, Land Commission Award Number 709, Apana 1 to Pehu; Royal Patent Number 217, Land Commission Award Number 11076 to Kalaau; Royal Patent Number 4, Land Commission Award Number 26 to Jules Dudoit; Royal Patent Number 242, Land Commission Award Number 1784-B to Haumea; Royal Patent Number 307, Land Commission Award Number 1784 to Kaipuha; Royal Patent Number 1644, Land Commission Award Number 6294 to Kaluahinenui no Napahuelima; Royal Patent Number 216, Land Commission Award Number 1691, Apana 1 to Naili; Royal Patent Number 4404, Land Commission Award Number 2144-B to Apai; Royal Patent Number 4536, Land Commission Award Number 2144 to Kauhao; Royal Patent Number 139, Land Commission Award Number 776 to Hueu; Deed of R. Keelikolani to Lono and Kahinukawa dated December 17, 1867, recorded in Liber 24 at Page 448, Corkscrew Lane; Emma Lane; Akia Lane and Old Mahiai Road) situate, lying and being on the Northeast side of Beretania Street, the East side of Pali Highway and the Southwest side of Kukui Street at Kaakopua and Kapauhi, Honolulu, City and County of Honolulu, State of Hawaii, and thus bounded and described:

Beginning at the East corner of this parcel of land and on the southwesterly side of Kukui Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 409.93 feet south and 2,812.66 feet west, thence running by azimuths measured clockwise from true South:

- | | | |
|-------------|-------|--|
| 1. 62° 35' | 48.13 | feet along remainders of R. P. 216, L. C. Aw. 1691, Apana 1 to Naili and R. P. 135, L. C. Aw. 1559, Apana 3 to Kiheipua; |
| 2. 152° 07' | 3.00 | feet along remainder of R. P. 135, L. C. AW. 1559, Apana 3 to Kiheipua; |
| 3. 62° 35' | 52.71 | feet along remainder of R. P. 135, L. C. Aw. 1559, Apana 3 to Kiheipua; |
| 4. 150° 15' | 29.99 | feet along Land Court |

			Application 780;
5.	150° 27'	55.55	feet along same;
6.	56° 02'	6.30	feet along same;
7.	152° 00'	11.55	feet along same;
8.	54° 14'	37.50	feet along same;
9.	322° 09'	21.15	feet along same;
10.	329° 50'	31.00	feet along same;
11.	337° 20'	46.50	feet along same;
12.	359° 42'	10.00	feet along same;
13.	60° 03'	101.51	feet along remainders of R. P. 7799, L. C. Aw. 9971, Apana 26 to W. P. Leleiohoku and R. P. 217, L. C. Aw. 11076 to Kalaau;
14.	330° 03'	160.03	feet along remainder of R. P. 217, L. C. Aw. 11076 to Kalaau;
15.	59° 19'	122.75	feet along the Northwest side of Queen Emma Street; Thence along the North side of Queen Emma and Beretania Streets and on a curve to the right, with a radius of 30.00 feet, the chord azimuth and distance being:
16.	99° 34' 30"	38.77	feet;
17.	139° 50'	176.48	feet along the Northeast side of Beretania Street; Thence along the East side of Beretania Street and Pali Highway and on a curve to the right, with a radius of 40.00 feet, the chord azimuth and distance being:

18. 174° 44'	45.77	feet;
19. 209° 38'	157.04	feet along the Southeast side of Pali Highway;
		Thence still along the Southeast side of Pali Highway and on a curve to the right, with a radius of 638.00 feet, the chord azimuth and distance being:
20. 215° 23' 42"	128.10	feet;
21. 329° 53'	25.61	feet along Lot 3 (as shown on Map 2) of Land Court Application No. 1409;
22. 237° 15'	57.30	feet along same;
23. 153° 38'	40.18	feet along same;
		Thence along the Southeast side of Pali Highway and on a curve to the right, with a radius of 638.00 feet, the chord azimuth and distance being:
24. 226° 58' 38"	5.07	feet;
25. 333° 57'	11.55	feet along Lot 2 (as shown on Map 2) of Land Court Application 363;
26. 244° 48'	93.60	feet along same;
27. 332° 24'	24.28	feet along Lot 3-D of Land Court Application No. 827;
28. 238° 50'	16.62	feet along same;
29. 332° 20'	180.18	feet along the Southwest side of Kukui Street to the point of beginning and containing an area of 93,871 square feet, more or less.

-SIXTH:-

All of that certain parcel of land (being portion(s) of the land(s) described in and

covered by Royal Patent Number 7799, Land Commission Award Number 9971, Apana 26 to W. P. Leleiohoku and a portion of Royal Patent Number 217, Land Commission Award Number 11076 to Kalaau) situate, lying and being at Kaakopua, Honolulu, City and County of Honolulu, State of Hawaii, being LOT G-2-6, and thus bounded and described as per survey dated October 4, 2004, to-wit:

Beginning at the most southeasterly corner of this parcel of land, on the northwesterly side of Queen Emma Street, being also the most southerly corner of Lot G-2-5 as shown on map prepared by Walter P. Thompson, Registered Professional Surveyor, dated August 31, 1961, on file at the Real Property Mapping Branch in Honolulu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUNCHBOWL" being 654.81 feet south and 2,905.49 feet west, thence running by azimuths measured clockwise from true South:

- | | | |
|-------------|--------|---|
| 1. 59° 19' | 61.20 | feet along the present northwesterly side of Queen Emma Street; |
| 2. 150° 03' | 160.03 | feet along the remainder of Royal Patent 217, Land Commission Award 11076 to Kalaau, along the northeasterly side of the former Emma Lane as shown on Parcel Map, Improvement District No. 80, Central Business Area Off-Street Parking, on file at the City and County of Honolulu, Department of Design and Construction, Land Survey and Acquisition with File No. 6-11-2-3-A; |
| 3. 240° 03' | 101.51 | feet along the remainders of Royal Patent 217, Land Commission Award 11076 to Kalaau and Royal Patent 7799, Land Commission Award 9971, Apana 26 to W. P. Leleiohoku; |
| 4. 330° 10' | 85.73 | feet along the remainder of Royal Patent 7799, Land Commission Award 9971, Apana 26 to W. P. Leleiohoku, along Lot G-2-4 as shown on map prepared by Walter P. |

Thompson, Registered
Professional Surveyor,
dated August 31, 1961, on
file at the Real Property
Mapping Branch in
Honolulu;

5. 58° 26' 40.00

feet along remainders of
Royal Patent 7799, Land
Commission Award 9971,
Apana 26 to W. P.
Leleiohoku and Royal
Patent 217, Land
Commission Award 11076
to Kalaau, along Lot G-2-5
as shown on map prepared
by Walter P. Thompson,
Registered Professional
Surveyor, dated August 31,
1961, on file at the Real
Property Mapping Branch
in Honolulu;

6. 330° 10' 72.39

feet along the remainder of
Royal Patent 217, Land
Commission Award 11076 to
Kalaau, along said Lot G-2-
5 to the point of beginning
and containing an area of
13,246 square feet, more or
less.

BEING THE PREMISES ACQUIRED BY DEED:

GRANTOR : PFLUEGER GROUP, LLC, a Hawaii limited liability
company

GRANTEE : PMK DEVELOPMENT LLC, a Hawaii limited liability
company

DATED : April 28, 2006 Doc 3422183
FILED : Land Court Document No. CTI 803,080
RECORDED : Document No. _____ APR 28, 2006 10:30 AM
Doc 2006-080198
APR 28, 2006 10:30 AM